

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ETHICS AND  
CAMPAIGN DISCLOSURE BOARD  
BILL)

**A BILL FOR**

1 An Act relating to the use of public resources for political  
2 purposes.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 68A.505, Code 2017, is amended to read  
2 as follows:

3 **68A.505 Use of public ~~moneys~~ resources for political**  
4 **purposes.**

5 1. The state and the governing body of a county, city,  
6 school district, or other political subdivision of the state  
7 shall not ~~expend~~ use or permit the ~~expenditure~~ use of public  
8 ~~moneys~~ resources for political purposes, ~~including expressly~~  
9 ~~advocating the passage or defeat of a ballot issue.~~

10 2. A public official or public employee shall not use public  
11 resources for political purposes.

12 3. This section shall not be construed to limit the  
13 freedom of speech of ~~officials or employees of the state or of~~  
14 ~~officials or employees of a governing body of a county, city,~~  
15 ~~or other political subdivision of the state~~ a public official  
16 or public employee, so long as the public official or public  
17 employee is not using public resources. This section also  
18 shall not be construed to prohibit the state or a governing  
19 body of a political subdivision of the state from expressing an  
20 opinion on a ballot issue through the passage of a resolution  
21 or proclamation.

22 4. The board shall adopt rules pursuant to chapter 17A to  
23 administer and interpret this section.

24 5. As used in this section:

25 a. "Public employee" means the same as defined in section  
26 68B.2.

27 b. "Public official" means the same as defined in section  
28 68B.2.

29 c. "Public resources" means the moneys, time, property,  
30 facilities, equipment, and supplies of the state or a county,  
31 city, school district, or other political subdivision of the  
32 state.

33 EXPLANATION

34 The inclusion of this explanation does not constitute agreement with  
35 the explanation's substance by the members of the general assembly.

1 Current Code section 68A.505 prohibits the state or the  
2 governing body of a political subdivision from expending public  
3 moneys for political purposes. This bill prohibits the use  
4 of public resources for political purposes by the state, the  
5 governing body of a political subdivision, public officials,  
6 and public employees. Under the bill, public resources  
7 includes the moneys, time, property, facilities, equipment,  
8 and supplies of the state or a county, city, school district,  
9 or other political subdivision. The bill defines "public  
10 official" to include officials, local officials, and members  
11 of the general assembly. The bill defines "public employee"  
12 to include state employees, legislative employees, and local  
13 employees.

14 The bill grants the ethics and campaign disclosure board  
15 the authority to adopt rules to administer and interpret  
16 Code section 68A.505. If interpretive rulemaking authority  
17 is clearly vested in the discretion of a board or agency by  
18 statute, the applicable judicial standard of review is whether  
19 the rules constitute an irrational, illogical, or wholly  
20 unjustifiable interpretation of law by the agency (Code section  
21 17A.19(10)(1)). If interpretive rulemaking authority is not  
22 clearly vested in the discretion of an agency, the applicable  
23 judicial standard of review is whether the rules constitute an  
24 erroneous interpretation of law (Code section 17A.19(10)(c)).